FILEWOF JAN 10 15:100SDC-ORE **OLIVER & DUNCAN** 1 Donald E. Oliver, OSB#00010, CSB #107114 2 Karen E. Duncan, OSB #97160, CSB # 160472 P. O. Box 1471 3 Redmond, OR 97756 (541) 504-8250 redmondlaw@bendcable.com 4 vaquero1@bendbroadband.com 5 6 Attorneys for plaintiff Gabriel C. Gortarez 7 8 UNITED STATES DISTRICT COURT 9 DISTRICT OF OREGON 10 11 GABRIEL C. GORTAREZ. Case No. 6:04-CV-6352 12 Plaintiff, 13 **REQUEST FOR DISMISSAL -**ENTIRE ACTION, WITH PREJUDICE 14 **CROWN PACIFIC TIMBER** LIMITED PARTNERSHIP, an 15 Oregon limited partnership; **CROWN PACIFIC PARTNERS, L.P.,** 16 A Delaware limited partnership; and CROWN PACIFIC (HOLDINGS), 17 LTD., an Oregon corporation, 18 Defendants. 19 20 Plaintiff Gabriel C. Gortarez hereby requests that the above-entitled action be 21 dismissed with prejudice. No appearance has been filed by any defendant, and plaintiff 22 is now informed that all of the named defendants filed for protection under Chapter 11 of 23 the U. S. Bankruptcy Code on June 29, 2003, in the District of Arizona and that said 24 bankruptcy was administered as In Re CPAcquisition Co., Case No. 03-11258-PHX-RJH. 25 While plaintiff's counsel believed that plaintiff was not listed as a creditor and had 26 not been notified of the bankruptcy as of the date of the filing of this action, it has now 27 been determined that plaintiff was notified of the bankruptcy in late 2003. 28

1	DATED: January 8, 2006 OL	IVER & DUNCAN	
2 3	D <sub></sub>	Donald E. Oliver	
		Donald E. Oliver, OSB # 00010	
4 5	Att Gal	orneys for plaintiff briel C. Gortarez	
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8	ORDER		
9	GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED that the		
10	above-entitled action is dismissed with prejudice.	above-entitled action is dismissed with prejudice.	
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12	DATED: January 10, 2006  Michael R. Hogan United States District Court Judge		
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28	Request for Dismissal with Prejudice, Page 2		

## 1 **CERTIFICATE OF SERVICE BY MAIL** 2 STATE OF OREGON, COUNTY OF DESCHUTES: 3 I, the undersigned, declare and certify: 4 I am a resident of the County of Deschutes, State of Oregon. I am over 18 years of 5 age and I am not a party to the above-entitled cause. My business address is 836 S. W. 6 12th Street, Redmond, Oregon, and my mailing address is Post Office Box 1471, Redmond, 7 OR 97756. 8 On January 8, 2006, I served the foregoing document entitled REQUEST FOR 9 DISMISSAL - ENTIRE ACTION, WITH PREJUDICE on the interested parties in this 10 action by depositing true copies thereof in the United States mail at Redmond, Oregon, 11 enclosed in sealed envelopes with postage thereon fully prepaid, addressed as follows: 12 Andrews Kurth, LLP Attorneys at Law 13 601 South Figueroa, Suite 3700 Los Angeles, CA 90017 ATTN: John Melissinos 14 Ball Janik, LLP 15 Attorneys at Law 101 Southwest Main Street, Suite 1100 16 ATTN: Robert S. Ball Portland, OR 97204-3219 17 18 Donald E. Oliver Donald E. Oliver 19 20 **Certificate of True Copy** 21 I hereby certify that the foregoing document is a true and complete copy of the 22 original thereof. 23 Donald E. Oliver 24 Donald E. Oliver, OSB # 00010 25 26 27

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